

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

January 14, 2003

ORDER ON
CLARIFICATION

MAINE AGGREGATION COMPANY
Request for Waiver of the Opt-Out Fee
Requirement of Chapter 301 Regarding
Maine Energy Aggregation Company

Docket No. 2002-468

CONSTELLATION POWER SOURCE MAINE, LLC
Request for Waiver of the Opt-Out Fee
Requirement of Chapter 301 Regarding
Constellation Power Source Maine, LLC

Docket No. 2002-606

BANGOR YOUNG MEN'S CHRISTIAN
ASSOCIATION
Request for Waiver of the Opt-Out Fee
Requirement of Chapter 301 Regarding
Bangor Young Men's Christian Association

Docket No. 2002-699

I. SUMMARY

Through this Order, we grant Central Maine Power Company's request for clarification of our recent decision granting opt-out fee waivers to former customers of Enron Energy Services. We conclude that our decision did not intend to grant a generic waiver to customers who took service from a competitive provider immediately upon termination of service from Enron Energy Services.

II. BACKGROUND

In our Order Granting Waiver (Order) issued December 11, 2002, in the above-captioned dockets, we granted requests of Maine Energy Aggregation Company (MEAC) and Constellation Power Source Maine, LLC (CPS Maine), on behalf of certain customers, and Bangor Young Men's Christian Association, on its own behalf, for waivers of the opt-out fee requirements of Chapter 301. The waivers applied to customers in the Central Maine Power Company (CMP) and Bangor Hydro-Electric Company (BHE) service territories who were supplied electricity by Enron Energy Services, Inc. (Enron) prior to its bankruptcy, and who defaulted to standard offer service when their Enron service ended and before service with a new supplier began. In the Order, we described the waiver as applying to customers that: (1) were served by Enron at the time of its bankruptcy; and (2) dropped to standard offer service for a period of three months or less.

On December 27, 2002, CMP filed a Motion for Clarification of the Commission's Order. CMP noted that there is one group of customers for which it is not clear whether the Commission intended to grant a waiver: customers that (1) were originally served by Enron; (2) had their Enron contracts assumed by another competitive electricity provider from whom they took service from some period of time (presumably through the remainder of the term of their electricity supply contract); (3) then defaulted to standard offer service (presumably at the end of their electricity supply contract); and (4) eventually began taking service from another competitive electricity provider. CMP stated that it believes the Commission did not intend to grant a waiver for these customers, because they did not default to standard offer service when their Enron service ended, but rather chose to have their electricity supply contracts assumed by another competitive electricity provider. CMP noted, however, that the Order may be otherwise interpreted, and thus it seeks clarification on this point.

CMP is correct that we did not intend to extend the generic waiver to customers whose Enron supply contract was assumed by another competitive provider. Our intent was to apply the waiver only to customers that defaulted to standard offer immediately after Enron ceased to provide service. As stated in the Order, the basis of the waiver is that the chaos created by the Enron Bankruptcy caused drops to the standard offer that were beyond the customers' control. Customers that were transferred directly to another supplier are not in the same category as those that were dropped by Enron onto standard offer service. Although we do not indicate now whether such customers would be entitled to an opt-out fee waiver, we do conclude that they are not covered by the generic waiver issued in these dockets.

Dated at Augusta, Maine, this 14th day of January, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.